

demolition in the amount of said assessment, to wit: the sum of \$_____; and the same shall be a lien upon said real property until the same has been paid in full and discharged of record.

"The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the City of Belmont, County of San Mateo, State of California, and particularly described as follows:

(DESCRIPTION)

"DATED: This ____ day of _____, 19____.

City Manager of the
City of Belmont, California

(ACKNOWLEDGMENT)"

(Ord. No. 760, § 5, 2-10-87)

Sec. 7-416. Violations.

(a) The owner or other person having charge or control of any such buildings or premises who maintains any public nuisance defined in this article, or who violates any order of abatement served as provided in section 7-410, is guilty of a misdemeanor.

(b) Any occupant or lessee in possession of any such building or structure who fails to vacate such building or structure in accordance with an order given as provided in this article is guilty of a misdemeanor.

(c) Any person who removes any notice or order posted as required in this article, for the purpose of interfering with the enforcement of the provisions of this article, is guilty of a misdemeanor.

(d) Any person who obstructs, impedes or interferes with any representative of the city council or with any representative of a city department or with any person who owns or holds any estate or interest in a building which has been ordered to be vacated, repaired, rehabilitated or demolished, or with any person to whom any such building has been lawfully sold pursuant to the provisions of this article when any of the aforementioned individuals are lawfully engaged in proceedings involving the abatement of a nuisance is guilty of a misdemeanor. (Ord. No. 760, § 5, 2-10-87)

Sec. 7-417. Alternatives.

Nothing in the foregoing sections shall be deemed to prevent the city council from ordering the city attorney to commence a civil or criminal proceeding to abate a public nuisance under applicable civil or penal code provisions as an alternative to the proceedings as set forth herein. (Ord. No. 760, § 5, 2-10-87)

Secs. 7-418–7-500. Reserved.

ARTICLE XII. SEISMIC HAZARD IDENTIFICATION AND MITIGATION PROGRAM FOR UNREINFORCED MASONRY BUILDINGS*

Sec. 7-501. Purpose.

It is generally acknowledged that the City of Belmont is located in a geographic area of high seismic risk, due to its proximity to both the San Andreas and Hayward faults, and may reasonably be expected to experience moderate to severe ground shaking in the event of a significant local earthquake. Such ground shaking could result in serious injury or loss of life due to damage or collapse of buildings. Historically, unreinforced masonry buildings have been shown to be especially vulnerable. The purpose of this article is to promote public safety by identifying those buildings in the City of Belmont which exhibit structural deficiencies in their capacities for earthquake resistance, and by determining the severity and extent of those deficiencies in relation to their potential for causing injury or loss of life. (Ord. No. 823, § 1, 1-9-90)

Sec. 7-502. Definitions.

For purposes of this article the following definitions apply:

(a) *Civil engineer or structural engineer* means a licensed civil or structural engineer registered by the State of California pursuant to the rules and regulations of title 16, chapter 5 of the California Administrative Code.

***Editor's note**—Ord. No. 823, adopted Jan. 9, 1990, effective Feb. 8, 1990, did not specifically amend this Code; hence, inclusion of §§ 1–13 as ch. 7, art. XII, §§ 7-501–7-513, was at the discretion of the editor. The word "ordinance" has been changed to "article."

(b) *Uniform Building Code (UBC)* is as published by the International Conference of Building Officials, Whittier, California, 1985 edition, as previously adopted by the city [in section 7-21].

(c) *Uniform Code for Building Conservation (UCBC)* is as published by the International Conference of Building Officials, Whittier, California, 1985 printing.

(d) *Unreinforced masonry (URM) building* means any building containing walls and/or columns constructed wholly or partially of masonry without at least fifty (50) percent of the reinforcement required by the 1985 edition of the UBC, and includes:

- (1) Unreinforced brick masonry.
- (2) Unreinforced concrete masonry.
- (3) Hollow clay tile.
- (4) Adobe or unburned clay masonry.
- (5) Stone masonry.
- (6) Unreinforced masonry veneer over one (1) story in height.

(e) *City's list of URM buildings* means the list of those buildings administratively identified by the building official as included in this program.

(f) Other terms are as defined in the 1985 edition of the UBC and the UCBC. (Ord. No. 823, § 2, 1-9-90)

Sec. 7-503. Scope of program.

Owners of all URM buildings in the City of Belmont, except as exempted below, shall be required to have an engineering report submitted to the city's building division, to determine the existence, nature, extent and severity of structural deficiencies in their buildings' capacities for earthquake resistance which could result in damage or collapse with possible injury or loss of life.

- (a) *Exempted buildings.* The following buildings are exempted from complying with this article:
- (1) Residential buildings with five (5) or fewer dwelling units.
 - (2) Warehouses or similar structures not used for human habitation, except for warehouses or structures housing emergency services equipment or supplies.

- (3) Buildings which have already been structurally upgraded in substantial accordance with either the 1973, or later, edition of the UBC or the City of Los Angeles Division 88 Standard for URM Buildings. (Ord. No. 823, § 3, 1-9-90)

Sec. 7-504. Building owner notification.

Owners of buildings included in the scope of this program shall be notified within six (6) months of the enactment of this article by the Building Division of the City of Belmont that each such building has been included in the city's list of potentially hazardous URM buildings, and is required to have an engineering report submitted to the city. (Ord. No. 823, § 4, 1-9-90)

Sec. 7-505. Recordation of notice of deficiency.

At the time of building owner notification, the building official shall file with office of the county recorder a certificate stating that the subject building falls within the scope of this article, has been included in the city's list of potentially hazardous URM buildings, and is required to comply with the provisions contained herein. At such later time as each such identified building has either been determined as excludable from the city's list by further investigation, or has undergone mitigation of its hazards to the satisfaction of the building official, the building official shall then file with the office of the county recorder a certificate stating that the building has been removed from the potentially hazardous classification. (Ord. No. 823, § 5, 1-9-90)

Sec. 7-506. Engineering reports.

Owners of identified buildings shall submit engineering reports to the Building Division of the City of Belmont as follows:

- (a) *Purpose.* The purpose of each such engineering report shall be to investigate, in a thorough and unambiguous fashion, a building's structural systems that resist earthquake forces, and to evaluate their adequacy to resist the seismic design forces as specified herein.
- (b) *Time frame.* Engineering reports shall be submitted within eighteen (18) months of building owner notification.

- (c) *Authorized preparers.* Engineering reports shall be prepared by civil or structural engineers, as previously defined herein, who are familiar with seismic analysis and design.
- (d) *Engineering standards.* The engineering standards to be used in preparation of engineering reports shall be the 1985 UCBC Appendix Chapter 1: Earthquake Hazard Reduction in Existing Unreinforced Masonry Buildings, hereby adopted as amended herein, and as modified by appendix A of this article.
- (e) *Format.* The format for engineering reports shall be as outlined in appendix B of this article, or other equivalent format approved in writing by the building official.
- (f) *Availability.* Copies of engineering reports submitted shall be available to the public for review at the building division upon request. (Ord. No. 823, § 6, 1-9-90)

Editor's note—The appendices referred to in this section are not printed in this article.

Sec. 7-507. Letters of intent.

A letter of intent shall be submitted within ninety (90) days of submittal of each engineering report, and shall describe in general fashion how the building owner intends to approach hazard reduction of his or her building. (Ord. No. 823, § 7, 1-9-90)

Sec. 7-508. Mitigation options.

Options available to the building owner for approaching hazard reduction are limited to the following:

- (a) Structural rehabilitation of the building to meet or exceed the seismic provisions of the engineering standards referenced herein. Such structural rehabilitation shall be completed within five (5) years of building owner notification.
- (b) Change in use of the building to a residential or warehouse occupancy exempted from compliance with this article, as previously described herein, as may be allowed by other city ordinances.
- (c) Vacating the building pending further investigation of possible alternatives.

- (d) Demolition of the building, or portions thereof, to eliminate the potentially hazardous conditions. (Ord. No. 823, § 8, 1-9-90)

Sec. 7-509. City's review of engineering reports and letters of intent.

The building division shall review the documents submitted for each identified building for conformance to this article. The building division may, at its option, engage the services of consulting civil or structural engineers to assist in evaluation of documents submitted. Costs of each such review shall be recovered by fees assessed upon the building owner at the time of submittal of documents, based upon the time required for review of such documents. Such costs shall be deducted from plan check fees charged for any structural rehabilitation plans subsequently submitted for building permit purposes for work directly related to compliance with this article. (Ord. No. 823, § 9, 1-9-90)

Sec. 7-510. Building tenant notification.

Owners of each identified building shall provide each of their tenants with written notification that a seismic investigation of their building has taken place, and that the engineering report documenting the investigation is available for review at the building division. Such notification shall occur within ninety (90) days of submittal of each engineering report. Each building owner shall also submit to the building division written confirmation of tenant notification, in the form of a signed affidavit or other equivalent means as approved by the building official. (Ord. No. 823, § 10, 1-9-90)

Sec. 7-511. Progress reports to city council.

The building division shall prepare annual progress reports to the City Council on the implementation of this article and its effects on voluntary hazard reduction by building owners. (Ord. No. 823, § 11, 1-9-90)

Sec. 7-512. Interpretations.

The interpretation of the building official shall prevail on matters relating to the implementation of this article. (Ord. No. 823, § 12, 1-9-90)

Sec. 7-513. Penalties.

Nonconformance with this article is unlawful. Buildings identified pursuant to this article, and not adequately mitigated, shall be considered public nuisances subject to civil prosecution under the laws and ordinances of the City of Belmont. (Ord. No. 823, § 13, 1-9-90)

7-514—7-600. Reserved.

ARTICLE XIII. GRAFFITI CONTROL***Sec. 7-601. Purpose.**

The purpose of this chapter is to provide a program for removal of graffiti from walls and structures on both public and private property and to provide regulations designed to prevent and control the further spread of graffiti in the city. The increase of graffiti on both public and private buildings, structures, places, and vehicles is creating a condition of blight within the city which results in a deterioration of property and business values for adjacent and surrounding properties all to the detriment of the city. The city council finds and determines that graffiti is obnoxious and a public nuisance which must be abated so as to avoid the detrimental impact of such graffiti on the city and to prevent the further spread of graffiti.

(Ord. No. 890, § 1, 3-28-95)

Sec. 7-602. Graffiti defined.

For the purpose of this article, "graffiti" shall mean the unauthorized spraying of paint or marking of ink, chalk, grease marker, dye or other similar substances on public and private buildings, structures, places, and vehicles.

(Ord. No. 890, § 1, 3-28-95)

Sec. 7-603. Graffiti prohibited.

(a) No person shall place graffiti upon any public or privately owned structure, building, place, or vehicle located on publicly or privately owned real property within the city.

(b) No person owning or otherwise in control of any building, structure, place, or vehicle within the city shall permit or allow any graffiti to be placed upon or remain on such property when the graffiti is visible from the street or other public or

private property, for a period in excess of that described in this chapter for notice and removal of graffiti.

(c) Violation of this chapter shall be a misdemeanor.

(Ord. No. 890, § 1, 3-28-95)

Sec. 7-604. Minors; aerosol paint.

(a) *Sale to minors unlawful.* It is unlawful for any person to sell or give to any individual under the age of eighteen (18) years, who is not accompanied by a responsible adult, any aerosol container of paint or other liquid substance capable of defacing property.

(b) *Signs required.* Any person engaged in the retail sale of aerosol containers of paint and other liquid substances capable of defacing property must display at the location of retail sale a sign clearly visible and legible to employees and customers which states as follows:

"It is unlawful for any person to sell or give to any individual under the age of eighteen (18) years, who is not accompanied by a responsible adult, any aerosol container of paint or other liquid substance capable of defacing property."

(c) *Possession by minors prohibited.* It is unlawful for any individual under the age of eighteen (18) years, who is in a public place or upon private property without consent of the owner or tenant thereof and who is not accompanied by a responsible adult, to possess an aerosol container of paint or other liquid substance capable of defacing property.

(Ord. No. 890, § 1, 3-28-95)

Sec. 7-605. Notice.

Whenever the chief of police or his designee determines that graffiti exists on any public or private structure, building, place, or vehicle in the city which is visible from the street or other public or private property, he/she shall cause a notice to be issued to abate such nuisance. The property owner shall have fifteen (15) days after the date of the notice to remove the graffiti or the property will be subject to abatement by the city.

(Ord. No. 890, § 1, 3-28-95)

Sec. 7-606. Service of notice.

The notice to abate graffiti shall be served upon the owner(s) of the affected premises, as such own-

*Cross reference—Offenses—Miscellaneous, Ch. 15.